

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
CABLE & COMMUNICATIONS CORPORATION)	CSR-7144-Z
and MID-RIVERS TELEPHONE COOPERATIVE, INC.)	CSR-7145-Z
)	
Request for Waiver of 47 C.F.R. § 76.1204(a)(1))	
of the Commission's Rules)	

**REPLY OF CABLE & COMMUNICATIONS CORPORATION and
MID-RIVERS TELEPHONE COOPERATIVE, INC.**

Cable & Communications Corporation and its parent, Mid-Rivers Telephone Cooperative, Inc. (collectively, "C&CC") hereby respond to the comments of the Consumer Electronics Association ("CEA")¹ filed in opposition to C&CC's request for a waiver of Section 76.1204(a)(1) of the Commission's Rules.² While C&CC appreciates CEA's recognition that small cable carriers are "subject[] to the dictates of the two dominant set-top box vendors,"³ C&CC must respectfully disagree with the conclusion which CEA draws from this observation – denial of the requested waiver will not, in fact, force vendors' responsiveness to smaller customers, and certainly will not otherwise serve the public interest. The Commission's failure to grant the requested relief will only punish C&CC's rural subscribers by jeopardizing the

¹ Comments of the Consumer Electronics Association on Requests for Waiver Filed by C&CC, Mid-Rivers, EnTouch & Click (May 3, 2007) ("CEA Comments"). C&CC also acknowledges with appreciation the Comments of Motorola, Inc. (May 3, 2007) ("Motorola Comments") filed in support of its waiver request and those of similarly situated petitioners.

² Cable & Communications Corporation and Mid-Rivers Telephone Cooperative, Inc., Request for Waiver of 47 C.F.R. § 76.1204(a)(1) of the Commission's Rules, CSR-7144-Z and CSR-7145-Z (Mar. 12, 2007) ("C&CC Waiver Request").

³ CEA Comments, p. 1.

timing of C&CC's digital transition⁴ as a result of directing scarce resources toward an undertaking that is not supported by market demand. Moreover, because grant of C&CC's request cannot possibly affect any aspect of the marketplace in general, focus must remain on the specific request and its impact, not the speculative (and suspect) impact which denial may have upon vendor-customer relations.

Rather than address the specific facts and circumstances which underlie C&CC's petition, CEA merely opines that C&CC's rural subscribers will be denied the benefits of competition that their urban counterparts will enjoy.⁵ As demonstrated in the C&CC Waiver Request, however, the speculative benefits of a fully-developed competitive marketplace to be enjoyed under ideal economic conditions do not necessarily play out in a rural, economically-disadvantaged area.⁶

To address these specific facts and circumstances, and to craft a solution which also accommodates other policy goals, C&CC seeks a limited extension of the implementation of the integration ban. Grant of this limited waiver will enable C&CC to direct its resources toward digital transition, while maintaining the capability of providing economic cable service in a depressed community. Grant of the request will allow C&CC to serve its customers in a manner which recognizes regional economics and regional demand characteristics. Accordingly, C&CC

⁴ As noted in the C&CC Waiver Request, the expense of compliant set-top units is exacerbated by the requirement to upgrade two headends. Expenditures to accomplish these goals necessarily limit the amount of capital available for deployment of digital services on a system-wide basis. C&CC Waiver Request, pp. 2, 4-6, and 7.

⁵ CEA Comments, p. 3.

⁶ C&CC Waiver Request, pp. 3-4 and 6-8.


respectfully submits its waiver request is justified, and requests prompt grant of the relief requested herein.

Respectfully submitted,

CABLE & COMMUNICATIONS
CORPORATION and

MID-RIVERS TELEPHONE
COOPERATIVE, INC.

By:


Sylvia Lesse
Their Attorney

Communications Advisory Counsel, LLC
2154 Wisconsin Avenue, NW
Washington, DC 20007
(202) 333-5273

May 14, 2007

DECLARATION OF GERRY ANDERSON

I, Gerry Anderson, General Manager of Cable & Communications Corporation and Mid-Rivers Telephone Cooperative, Inc., do hereby declare under penalty of perjury that I have read the foregoing Reply of Cable & Communications Corporation and Mid-Rivers Telephone Cooperative, Inc. and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.



Gerry Anderson

Dated: May 11, 2007

Certificate of Service

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that on this 14th day of May, 2007, I caused to be delivered, via first-class US mail, postage prepaid, a copy of the foregoing "Reply of Cable & Communications corporation and Mid-Rivers Telephone Cooperative, Inc." on the following:

Julie M. Kearney
Senior Director and Regulatory Counsel
Consumer Electronics Association
2500 Wilson Boulevard
Arlington, Virginia 22201

Robert S. Schwartz
Mitchell L. Stoltz
Of Counsel, Consumer Electronics Association
Constantine Cannon LLP
1627 Eye Street, NW
10th Floor
Washington, DC 20006

Steve B. Sharkey
Director, Spectrum and Standards Strategy
Jason E. Friedrich
Assistant Director, Telecommunications Regulation
Motorola, Inc.
1455 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004


Sylvia Lesse